



"Two roads diverged in a wood, and I -  
I took the one less traveled by,  
And that has made all the difference."

Robert Frost

*A Brief History of the Formation of  
the Kentucky Court of Justice's  
Court Designated Worker Program*

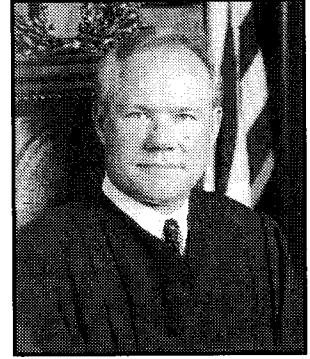
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## ***A MESSAGE FROM THE CHIEF JUSTICE***

“Court Designated Workers have improved the lives of thousands of Kentucky children. Across this state CDW’s have provided guidance and support for children desperately in need of help. The Court Designated Worker Program is the type of innovative activity courts must use to meet the needs of the people they serve.

**Joseph E. Lambert,  
Chief Justice of Kentucky Supreme Court**

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# **Juvenile Service Officer Pilot Projects Court Designated Worker Program**

## **Program Summary 1982-1984**

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The 1980 Kentucky General Assembly passed a comprehensive, unified juvenile code but due to state revenue shortfalls, delayed implementation for two years. Continuing revenue shortfalls caused the 1982 General Assembly to delay implementation until July 1984. However, \$363,100 was appropriated to the Administrative Office of the Courts for the preparation and implementation of the court designated worker portion of the new code. Revenue shortfalls again occurred in 1984, and Senator Mike Moloney, the bill's sponsor, sought repeal rather than experience further delay of implementation. The Kentucky unified juvenile code was subsequently repealed by the 1984 General Assembly.

This document is intended as a report of the progress made, and services provided, pursuant to the Administrative Office of the Courts' involvement with the court designated worker portion of the Kentucky unified juvenile code.

#### PRELIMINARY STEPS TOWARDS ESTABLISHMENT OF PILOT PROGRAMS

The development of plans for the court designated worker program began during 1982. Research was conducted into juvenile intake programs in other states, and the most recent task force version of the Kentucky unified juvenile code was studied. Bill Morrison, Assistant Manager of Pretrial Services, directed the development of these plans. Jean O'Daniel served as staff attorney and, eventually, as a supervisor of the court designated worker program.

The rate of progress was, according to plan, increased during the first half of 1983. Jim Birmingham was hired as a field supervisor, resource materials were completed, and plans were finalized for introducing the court designated worker program to potential participants. Field visits were conducted by AOC Central Office personnel during January to introduce the court designated worker process to the eighteen local juvenile programs which were then receiving Juvenile Justice Commission grant monies. Local personnel were invited to amend their own programs to conform more closely with the court designated worker (CDW) process, and were told that those which were most interested and conformed most closely would be funded by AOC for the year beginning July 1, 1983.

Field visits were conducted over the next several months by Central Office staff, to provide technical assistance and to monitor efforts to achieve compliance with the CDW program model. Local grant program personnel were advised to meet with their district judges, prosecutors, clerks, social services personnel, law enforcement officers, and other interested persons, to explain the new program and to establish cooperation in local implementation. They were advised to establish written, objective criteria by which decisions could be made: 1) to recommend whether cases be handled through the formal court process or through informal, non-judicial action; and 2) to release children taken into custody by law enforcement personnel to parents, guardians or other appropriate persons, or to non-secure facilities, rather than to secure detention facilities. Both sets of criteria were to be drafted in cooperation with their district judges and county (or assistant county) attorneys, and were designed so that other action could be taken when extenuating circumstances existed.

### THE COURT DESIGNATED WORKER PROCESS

The court designated worker process was modeled after the Kentucky unified juvenile code. The following brief summary of the process was based upon the task force version of the code.

The CDW program provided services for children who were accused of either public offense or status offense behavior. Workers could also provide some assistance in the filing of dependency cases.

Each court designated worker received all complaints accusing juveniles of public or status offense behavior, and ensured that all parts of the complaint form were properly completed. The worker attempted to refer potential status offense cases to alternative social services agencies, in lieu of filing complaints, but assisted in the filing of a status offense complaint if the best interest of a child required further action.

A preliminary inquiry was scheduled for each status or public offense case, in order to determine whether the complaint was valid and whether the best interests of the child required formal court processing. If the determination was



made, based upon written objective criteria, to refer an action to formal court, or if the child chose to take the case before the court, the worker was available to provide formal court services such as the writing of a predisposition report.

The CDW sent written notice, in each public offense case recommended for informal action, to complainants, victims and law enforcement personnel. Any of those persons could then object to the informal process by requesting a "special review" of the recommendation by the county attorney, who ultimately determined whether the case was handled formally or informally.

The worker selected one of the following options in each public or status offense case which was handled informally: no further action in the case; a referral to a social services agency; or a diversion agreement, voluntarily accepted by the child and parent. The terms of a diversion agreement could include: the informal provision of services; a referral to other organizations, agencies or persons; community service work; restitution; and/or other programs or efforts which might reasonably benefit the child and community. Any such agreement was to last a maximum of six months, and compliance was supervised by the CDW. Failure to complete the terms could result in sending the original complaint into the formal court process.

The CDW was contacted whenever a child was taken into physical custody and not released by law enforcement personnel. This contact was to occur immediately in status offense cases, or within two hours in public offense cases. The worker assisted in screening and releasing the child to a parent, guardian, or other appropriate adult, or to a non-secure facility. Secure detention was used only if no less restrictive alternative was available, (AOC further required that authorization for any secure detention first be obtained from the district judge.) Screening was based upon written objective criteria.

Other duties related to the juvenile process were also permitted for CDWs. The task force version of the code, upon enactment, would have permitted such tasks as taking oaths, issuing subpoenas and summonses, making dispositional recommendations, and performing various other types of functions authorized or directed by the district judge. The tasks of issuing arrest or search warrants,

supervising post-dispositional activities, and performing unrelated clerical work by CDWs were specifically prohibited.

### JUVENILE SERVICE OFFICER PILOT PROJECTS

Employees of nine pilot programs became AOC Juvenile Service Officers (JSOs) effective July 1, 1983. These programs covered the following counties: Bath and Montgomery; Calloway; Christian; Clay; Graves; Leslie (part-time JSO and part-time pretrial services officer); Letcher (part-time JSO and part-time trial commissioner); Lincoln, Garrard and Jessamine; and Perry. Several of the grant programs were not picked up by AOC because they ended, did not perform any juvenile intake functions, or chose not to accept AOC funding. Pretrial Services withdrew from involvement with the programs in June 1983, and Geoff Reed became supervisor of Juvenile Services.

The nature of the JSO position required that a worker always be available to provide coverage. Workers, as a result, were on call seven (7) days a week, twenty-four (24) hours a day. Plans for coverage during emergencies or other absences were arranged with local district judges. Workers were required to live in the judicial districts served, in order to increase their availability during non-office hours.

Workers had, prior to July, been able to achieve varying degrees of local compliance with the court designated worker process. Local variations were permitted, in view of local needs, local acceptability of the CDW process, the legal status of the not-yet-effective code, and the fact that each program operated as a pilot project. Variations in programs provided a broader knowledge base regarding the CDW process as a whole, and permitted evaluation of the effectiveness of the process prior to state-wide implementation. Variations most frequently occurred in regard to the selection by judges and/or prosecutors of cases considered for informal processing, in regard to the custody process, or in regard to post-dispositional duties. See Appendix A, for a description of individual programs.

A JSO orientation session was held September 18-20 at Rough River State Park. The agenda included detailed reviews and discussions of the steps of

the CDW process, as well as of the use of forms, statistics, files and tracking procedures. An important benefit of this session was the opportunity for JSOs to meet for the first time for the informal exchange of ideas, and the establishment of supportive working relationships among themselves.

Numerous field visits were conducted by the Central Office staff, with the focus on continued improvement in the implementation of the CDW process, and continued education of Central Office and local personnel regarding the program. Many telephone calls were made between visits to discuss various issues. Steady overall improvement in implementation of the CDW process was observed. See Appendix B.

Forms necessitated by the CDW process, a tracking system, and the logs and statistical forms needed for recording daily and monthly JSO case activity were developed by the Central Office staff. See Appendix C. Much assistance was provided in this task by local workers, both in developing and in critiquing drafts of the forms and logs.

Senator Mike Moloney, sponsor of the unified juvenile code, gave notice in November of his intent to withdraw the code due to state budgetary limitations. As a result, plans for printing forms and logs, plans for contracting with urban areas, and various other steps planned in anticipation of statewide implementation of the court designated worker program were placed on hold. Workers continued to develop and to improve their local programs and, in several instances, were active in the development of additional local resources such as community work project programs.

Repeal of the new code occurred in March 1984. Workers in local programs were subsequently assisted in seeking continuation grant monies from the Juvenile Justice Commission.

### FINDINGS

The court designated worker process, on the whole, appeared to operate very well. Critical to the smooth operation of local programs was the

establishment of local support for individual JSO programs. The fact that such support was established by the workers was shown by the public outcry and action which occurred after the workers received notice in November that their positions would be terminated. This support continued through the 1984 legislative session.

Statistical data collected between July 1983 and April 1984 clearly shows a large reduction in formal juvenile court cases in the pilot program counties, compared to the previous year. The percentage of JSO cases handled through the informal process ranged from 43% to 82% in various programs. Diversion agreements were the most frequently utilized informal alternative; nearly all public offense diversion agreements were successfully completed, but very few status offense diversion agreements were successful. Workers were active in keeping juveniles out of secure detention, and it appears that 81% of all juveniles placed in pre-adjudicative secure detention (including those for whom the detention facility was merely a receiving point pending parental notification) were released within 24 hours.

The availability of JSOs was clearly perceived as an advantage in the counties which received their services. They were known and available as a central resource to persons within the juvenile justice system, as well as to private citizens. Written, objective criteria added consistency to the juvenile process, and victims, complainants and peace officers were assured, through the notification process, that action was being taken on juvenile complaints. Children who were taken into custody by peace officers were released, through JSO assistance, as quickly as possible.

The reduction in the percentage of cases handled through the formal court process resulted in numerous benefits. The informal alternatives provided by the CDW process meant that attending formal court could be viewed as a more serious consequence than if all cases were docketed for formal court. Judges were able to devote more time to individual serious or repetitive delinquent or status offense cases, as well as to dependency cases, since the number of formal juvenile court cases was reduced. Petitions were screened for accuracy prior to formal court. The time involved in preparing for formal court by county and court-appointed attorneys was reduced. Law enforcement officers working night shifts

were called less often into the formal court process, thereby reducing overtime pay and paperwork. Social services personnel, school officials, victims, witnesses, defendants and families were required to spend less time in or waiting for formal juvenile court proceedings. Bailiffs and court clerks were required to spend less time in formal juvenile court proceedings.

JSOs also benefitted from the knowledge that other, identifiable persons across the state were providing similar services to juvenile clients. This was evidenced by the frequency with which JSOs contacted one another for assistance, suggestions and moral support.

Problems, of course, existed within the CDW process and JSO program. Several local programs ran into varying degrees of resistance in making the transition into JSO programs. Much of this resistance appeared to result from either inaccurate perceptions of the effect of proposed changes or a general reluctance to change, and was eventually overcome. Other resistance appeared in the form of judicial or prosecutorial reluctance to allow JSO decision-making, or judicial objection to specific components of the CDW process as set out in the task force version of the unified juvenile code.

Lack of resources was a prevalent problem for JSOs. This was apparent at all stages of the CDW process, but was perhaps most critical in the area of alternatives for children taken into custody. Several programs had access to emergency foster homes or to non-secure emergency shelters, but such resources were sometimes unavailable or otherwise did not meet particular case needs. Secure detention was available in several of the JSO counties, but workers in other counties faced the recurring problem of being called upon to locate out-of-county secure detention whenever such was necessitated and authorized by their district judge.

Another problem appeared to be a result of having previously performed different duties. Many of the workers had previously been in a "catch-all" position, whereby they were expected to perform whatever services were not provided by other resources. The CDW guidelines and the new duties required of JSOs limited their ability, because of time constraints and/or the inappropriateness of particular

roles, to perform all of their prior roles. As expected, such changes met with mixed reactions.

Finally, the paperwork involved in establishing and carrying out the CDW process sometimes appeared burdensome to workers. The code's requirement that written notice be given to the judge and county attorney after preliminary inquiries was, in particular, considered by most programs to be unnecessary. It appears that such notice might be more valuable in larger population areas, where contacts between the JSO, judge and/or county attorney might not be as common and informal as in the rural pilot programs.